IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 15029 of 2007(L)

PETITIONER:

VIJAYAKUMARA PILLAI,
MEENATHU VEEDU, SE, THAZHAVA,
KARUNAGAPPALLY.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS:
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1. DIRECTOR, INSTITUTE OF HUMAN RESOURCES DEVELOPMENT, PRAJOE TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.

2. PRINCIPAL, COLLEGE OF APPLIED SCIENCES, MAVELIKARA.

BY S.C. FOR I.H.R.D. SRI.N.N.SUGUNAPALAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 15029 of 2007

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Dated this the 31st day of July, 2007.

J U D G M E N T

Petitioner in this writ petition had been working as Watcher-cum-Peon on daily wage basis in the College of Applied Science at Mavelikkara under the Institute of Human Resources Development (for short, the Institute). He was disengaged by the Institute. Petitioner has challenged his disengagement in this writ petition contending inter alia that he is entitled to be reinstated and his services are liable to be regularised, particularly since he had been working in the Institute from 2002 onwards.

2. This Court had issued interim directions in a batch of writ petitions preferred by similarly placed provisional employees restraining the Institute from engaging fresh hands pending disposal of the writ petitions. The said order is in force even now.

3. Sri.N.N.Sugunapalan, learned senior counsel appearing for the Institute submits that the Governing body of the Institute at its 16th meeting held on July 9, 2007 has resolved to approve the recruitment policy for regular appointment of last grade servants and part time employees under the Institute. The following resolution was passed in the said meeting:

> "The regular appointment of last grade servants and part-time employees under IHRD shall be after notifying the vacancies through print media and conducting interview. The ad-hoc employees who were

> engaged under IHRD shall be given a weightage in the direct recruitment as mentioned above. The quantum of weightage to be given as above and other modalities of the recruitment shall be finalised by the Executive Committee".

4. It is submitted on behalf of the petitioner that he is prepared to wait till a final decision is taken by the Institute in terms of the resolution referred to above. However petitioner's anxiety or concern is that the Institute may engage fresh hands before a final decision is taken. In other words, the prayer is to keep the interim order issued by this Court in force till the procedure is completed by the Institute in terms of the above resolution. In the peculiar facts and circumstances of this case, I am satisfied that the benefit given to similarly placed employees should be extended to the petitioner also.

5. Therefore the writ petition is disposed of with a direction to the Institute, to finalise the procedure for recruitment of last grade servants etc. in terms of the resolution referred to above. All such further action pursuant to the above resolution shall be taken by the Institute as expeditiously as possible, at any rate within 3 months from the date of receipt of a copy of this judgment.

Till such time the process is completed, the Institute shall not make any fresh appointments to the category of post from which the petitioner was disengaged.

A.K. Basheer
Judge.

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